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January 16, 2020

VIA ECF

Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: United States v. Christopher Collins, et al., *No. 18-cr-567 (VSB) (S.D.N.Y.)*

Dear Judge Broderick:

We are counsel for Defendant Christopher Collins in this matter and write regarding the Court's January 15, 2020 Order, ECF No. 157, in particular items 10, 22, and 24 of the Order, wherein the Court requested the following:

- 10) What time did Innate issue its press release on June 22, 2017?¹

Please see Exhibit A.

- 22) On pages 36 and 37 of the defense submission, there are references to a letter submitted by former Innate CEO. In his letter, the former CEO states, among other things, that Christopher Collins wrote to him soon after his guilty plea.
- a) Please provide a copy of Collins's correspondence referenced in the former Innate CEO's letter.
 - b) Please provide copies of any correspondence about this case from Collins to individuals who have submitted letters in connection with sentencing. (*See* Doc. 156.)

¹ Please note the press release was issued at 12:53pm on June 23, 2017 in Australia, which equates to 10:53pm Eastern Standard Time on June 22, 2017.

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- c) Please provide information concerning public requests by Collins or others acting on his behalf soliciting letters from former constituents or others.

Please see Exhibit B.

- 24) What is the legal or factual authority for the statement made on pages 43 to 44 of the defense submission that “The mere fact of a career-ending felony conviction generally deters bad conduct among first-time offenders, who largely comprise the class of insider-trading defendants. This is particularly true in the case of a convicted Congressman whose offense did not concern the misuse of his office.”

As Ellen S. Podgor observes, “[t]he corporate white collar offenders of today are typically individuals who have never been convicted of criminal conduct and are now facing incredibly long sentences as first offenders.” *The Challenge of White Collar Sentencing*, 97 J. CRIM. L. & CRIMINOLOGY 731, 732–33 (2007). This is consistent with the Sentencing Commission’s observation that in fiscal year 2017, 85.6% of Economic Crime Offenders in the Securities and Investments subcategory were criminal history Category I.² See USSC, “What Does Federal Economic Crime Really Look Like” (2019) *available at* https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2019/20190130_Econ-Crime.pdf.

The conviction alone, and the related shame and stigma, is often substantial punishment that serves a deterrent effect. *See, e.g., Gupta*, Sentencing Tr. at 54:3-6, wherein Judge Rakoff observed “[a]s to specific deterrence, it seems obvious that, having suffered such a blow to his reputation, Mr. Gupta is unlikely to repeat his transgressions, and no further punishment is needed to achieve this result.” *Accord United States v. Yeaman*, 248 F.3d 223, 238 (3d Cir. 2001) (Nygaard, J., dissenting in part) (“it is widely recognized that the *duration* of incarceration provides little or no general deterrence for white collar crimes.”).

Yeaman cites for this proposition A. Mitchell Polinsky & Steven Shavell, *On the Disutility and Discounting of Imprisonment and the Theory of Deterrence*, 28 J. LEGAL STUD. 1, 12 (Jan.1999), wherein the authors conclude that for individuals committing white collar crimes, the probability of being apprehended and incarcerated is a powerful deterrent in of itself, because the “disutility of being in prison at all may be substantial and the stigma and loss of earning power may depend relatively little on the *length* of imprisonment.” (emphasis added). Peter J. Henning reaches a similar conclusion, in considering the case of Ty Warner, the billionaire owner of Ty, Inc.:

[C]onsider the case of another defendant, Ty Warner, the billionaire owner of Ty, Inc.-the company that makes “Beanie Babies” . . . In 2013, Warner pleaded guilty

² Technically, these offenders could have a single history point or ancient convictions, but there is nothing to indicate any frequency of this.

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to hiding a Swiss bank account for a number of years that, at its peak, held about \$100 million, evading about \$5.5 million in taxes on its earnings. He paid the back taxes, plus a penalty, in a civil settlement with the Internal Revenue Service. Rejecting the government's recommendation that the court impose a prison sentence of at least some modest length for the tax violation, Judge Charles Kocoras instead opted for only probation. During the sentencing hearing, the judge said that he was persuaded by a number of letters submitted on the defendant's behalf in finding that "Mr. Warner's private acts of kindness, generosity and benevolence are overwhelming. Never have I had a defendant in any case-white-collar crime or otherwise-demonstrate the level of humanity and concern for the welfare of others as has Mr. Warner." *Judge Kocoras discounted the deterrent effect a prison sentence might have on others, noting that Warner's case was "highly-publicized" and "the public humiliation and reproachment Mr. Warner has experienced is manifest. Only he knows the private torment he has suffered by the public condemnation directed at him."* In imposing a two-year term of probation and 500 hours of community service, along with a \$100,000 fine, Judge Kocoras said, "*One of the considerations for me is whether society would be better off with Mr. Warner in jail or whether it would be best served by utilizing his talents and beneficence [sic] to help make this a better world."*

Peter J. Henning in *Is Deterrence Relevant in Sentencing White-Collar Criminals?* 61 WAYNE L. REV. 27, 29–30 (2015) (emphasis added). *See also* Dan M. Kahan & Eric Posner, *Shaming White-Collar Criminals: A Proposal for Reform of the Federal Sentencing Guidelines* J. OF LAW & ECON Vol. 42 No. S1 (Apr. 1999) p. 365–392

We will, of course, be prepared to discuss these matters in detail at the sentencing tomorrow, Friday, January 17. In advance of the hearing we respectfully submit the enclosed documentary materials related to the above-categories. We hope the enclosures are helpful in the Court's consideration of the issues.

Respectfully submitted,

/s/ Jonathan B. New
Jonathan B. New
Jonathan R. Barr
Kendall E. Wangsgard
BakerHostetler LLP
212.589.4650

Counsel for Christopher Collins
Enclosures
cc: All Parties (via ECF)

Exhibit A

- Prices and research
- Prices
- Company information
- Announcements
 - Today's announcements
 - Previous trading day
 - Search for past announcements
- Dividends
- ASX 24 reports
- Codes and descriptors
- Charting
- Calculators
- Upcoming floats
- Find a broker
- Broker Reports

Announcements - Search results

Search results: Company announcements for INNATE IMMUNOTHERAPEUTICS LIMITED (IIL)
Released between 23/06/2017 and 23/06/2017

NOTICE - change of company code


Market status:

- IIL is not the current code for this company. The new code is "ATX". See below for a full history of ASX codes used by this company.

See below for:

- Previous codes used by this company

Announcements released as IIL

Date	Price sens.	Headline
23/06/2017 12:53 PM	\$	Trading Halt  3 pages 335.3KB

Useful Information

- How and when are company announcements published on www.asx.com.au?
- * Edited text summaries are available from 1 January 1998 to 30 June 2003

Previous codes used by this company

- IIL changed to ATX

Viewing Market Announcements:

Users of Adobe Acrobat Reader version 6.0.0 may have difficulty accessing PDF announcements. Symptoms include slow downloads, blank documents, and small white boxes appearing in the PDF. We recommend you download the latest version of the free Adobe Acrobat Reader. To check which version you have, open Adobe Acrobat Reader, click on 'Help', then click 'About Adobe Reader 6.0'.

[Login to MyASX](#) [Register](#)

<https://www.asx.com.au/asx/statistics/announcements.do?by=asxCode&asxCode=IIL&timeframe=R&dateReleased=23%2F06%2F2017>

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MARKET RELEASE

23 June 2017

Innate Immunotherapeutics Limited

TRADING HALT

The securities of Innate Immunotherapeutics Limited (the "Company") will be placed in Trading Halt Session State at the request of the Company, pending the release of an announcement by the Company. Unless ASX decides otherwise, the securities will remain in Trading Halt Session State until the earlier of the commencement of normal trading on Tuesday, 27 June 2017 or when the announcement is released to the market.

Security Code: IIL

George Tharian

ADVISER, LISTINGS COMPLIANCE (SYDNEY)

For personal use only



ABN 16 165 160 841

23 June 2017

Mr. George Tharian
Adviser, Listings Compliance (Sydney)
Australian Securities Exchange

George.Tharian@asx.com.au
&
tradinghaltssydney@asx.com.au

REQUEST FOR TRADING HALT

Innate Immunotherapeutics Limited (ASX Code : IIL) requests a Trading Halt in the securities of IIL effective immediately this Friday 23 June 2017.

For the purposes of Listing Rule 17.1 , IIL provides the following information:

- a) The Trading Halt is necessary as the Company has received results from its Phase 2B trial of MIS416 in patients with secondary progressive multiple sclerosis (SPMS).
- b) The Company requests its securities remain in a trading halt for two days to resume trading on Tuesday 27 June 2017.
- c) The event which the Company expects will end the trading halt will be the lodgement of an announcement regarding the results of the trial.
- d) The Company is not aware of any reason why the trading halt should not be granted.

Yours sincerely,

A handwritten signature in black ink that reads "Andrew Cooke".

Andrew J Cooke
Company Secretary

About Innate Immunotherapeutics

Innate Immunotherapeutics Limited is an Australian biotechnology company with an exciting technology that targets the human innate immune system. The innate immune system is the body's first line of defence against external disease causing pathogens such as bacteria and viruses, and internally caused diseases such as cancer. Disorders of the immune system can also cause or contribute to diseases such as multiple sclerosis. While the innate immune system is responsible for mounting the body's initial defence against threats, it also plays a critical role in controlling the overall immune response and many for the body's tissue protective and reparative functions.

SPMS - The Significant Unmet Medical Need

Multiple sclerosis is a chronic disabling condition where the body's immune system attacks the myelin sheath surrounding nerve fibres. The damaged myelin forms scar tissue which distorts or interrupts nerve impulses, disrupting the ability of parts of the nervous system to communicate properly. This can result in a wide range of symptoms, including loss of balance, muscle coordination, difficulty walking, slurred speech, tremors, stiffness, cognitive impairment, depression, fatigue and bladder problems.

Within 15 years of being diagnosed with the early 'relapsing-remitting' stage of MS, and despite the 12 drugs approved to treat this early stage of disease, about 60% of sufferers go on to develop a more advanced progressive form of disease - SPMS. After 20 years the number of SPMS sufferers increases to about 75%. **There are currently no approved drugs for the effective ongoing treatment of SPMS.** The Company's clinical development of MIS416 seeks to address this important unmet medical need and significant commercial opportunity.

About MIS416

The microparticle, MIS416, is a biologically derived novel immune modulator which can uniquely target both the regulatory and defensive functions of the innate immune system. MIS416 targets myeloid cells, a sub-set of innate immune cells not currently targeted by any other drugs in development for the treatment of SPMS.

Myeloid cells can play an important role inside the brain of a patient with SPMS by down regulating inflammation, helping clear myelin debris, and upregulating tissue repair processes.

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Exhibit B

Simon Wilkinson

From: C C Collins [REDACTED]
Sent: Tuesday, 8 October 2019 05:38
To: Simon Wilkinson
Subject: Issues
Attachments: Sentencing Letters (10 4 19).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Simon, I'm certainly in a terrible spot as a result of my stupid, tragic, rash, inexcusable decision to call Cameron that fateful night. No excuse, but I was racked with emotion and certainly not thinking straight. I know I was devastated that all our potential to treat SPMS was gone and the compassionate patients would no longer be able to access the drug. And now that rash decision has devastated my family and put Cameron in serious jeopardy. Pleading was the right decision, especially for Cameron who is my primary focus.

I am asking a lot of you, but if you would be willing to write a letter to the Judge explaining my support for the Company over many years, that could help at sentencing. I've always been proud of my service to my community as Erie County Executive and to the nation as a Member of Congress, I always worked hard and did my best to serve my constituents.

The attached document gives details on the letter if you are willing to write one. I know I let down a lot of people, and apologize profusely for that.

I hope Amplia is doing well. On a side note I've transferred my 3+ million shares to Mary as of October 1, 2019. Her stock is held at Fidelity Investments, I think we only own 6% of Amplia with the new stock that was issued, so we are under 10% which may mean we are no longer considered a significant shareholder. Is there anything we need to do relative to that transfer?

Thanks again for our years of friendship. I think of you often as I continue to follow Amplia.

All the best to you, Robert and Andrew as you continue to work on life saving drug development, Chris

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From: C C Collins [REDACTED]
Sent: Saturday, October 5, 2019, 10:59:40 AM EDT
Subject: Letters to the Judge

Subject: Letters to the Judge

I want to thank you for your continued support during this difficult time. It has been a mortifying experience on me and the entire family. I feel like I've let everyone down, but our decision to plead guilty is the right decision for Cameron and the family. I know I always did my best to serve the community and the nation. And I am proud of our many accomplishments in Erie County and in Congress. You were a critical part of our success and I know the congressional office will continue to provide exceptional service to our constituents in my absence. We will get through this.

It is important for us to get letters of support from those who know me best and can attest to my character and years of service and accomplishments. I'm asking you to help in this endeavor. I've attached a letter from my attorneys explaining what I need and who to address the letter to. The letters should be sent to my attorney as outlined in the instructions.

I'm now a FL resident and will be in FL for a while as the press settles down and moves on.

And feel free to pass this on to anyone you think could be helpful.

All the best, Chris

Letters to the Court: Items to Consider

Purpose: Letters to the Court from family, friends, colleagues, business partners, and others are an important part of the sentencing process. They help the Judge learn about the defendant as a person and individual, including his prior good deeds, charitable acts, moral character, positive attributes, history of community service and the remorse he exhibits for what he did. These letters provide the Judge with powerful positive information about the defendant, which he might not otherwise receive.

Format: Letters should be addressed to the Judge (information below) **but sent to** BakerHostetler LLP (information below). The law firm will coordinate submitting the letters to the Court, where they will be filed publicly. To the extent possible, letters should be typed. You may use personal or professional letterhead. Please date and sign the letter.

Style: There is no obligatory style for letters. They should be drafted in your natural voice and the manner most comfortable to you. The tone should be respectful to the Court but need not be overly formal. Be yourself and write in your own words. The letter should be written in the first person, as a communication from you to the Judge. Proper grammar, spelling, and punctuation are important.

Tips and Pointers: When crafting a letter, keep in mind the purpose, audience (the Court), and function. Some things to consider are:

- Only write about that of which you have personal knowledge, and **always be truthful.**
- Explain your relationship with the defendant, including who you are, how long you have known the defendant, and in what capacity.
- Make it personal. Consider writing about one or two anecdotal experiences or examples that highlight the defendant's positive traits, charitable work, good deeds, community service, generosity, moral character, honesty, work ethic, or dedication to family and community, etc.
- Describe for the Court the most important of the defendant's positive qualities and contributions to his family and community.
- To the extent you are knowledgeable, provide details as to how you know the defendant has accepted responsibility and is remorseful for his actions.
- It is appropriate to acknowledge the seriousness of the defendant's conduct. If you believe that the defendant's criminal conduct was out of character or aberrational, that is something you can write about.
- Do not argue that the defendant is not guilty, or about the merits of the case. It is also not helpful to try to minimize the defendant's conduct or make excuses for his conduct
- Do not criticize law enforcement, the prosecutors or government officials.
- Do not suggest to the Judge a specific type, length, or amount of sentence.
- Never allow anyone else to write the letter for you
- Consider thanking the Judge politely for considering your letter.
- Do not hesitate to contact BakerHostetler LLP with any questions.
- **Do not** attempt to contact the Judge or Court outside of preparing a letter (sent to counsel).

You should not view the above list as exclusive or wholly inclusive.

Length: Letters vary from a few paragraphs to a few pages, but should contain crucial (yet concise), details about the character and integrity of the defendant.

Address the Letter To:

Hon. Vernon S. Broderick
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Subject Line: You may include a subject line if you would like. If you choose to include a subject line, use “United States v. Christopher Collins”, “Chris Collins”, or a similar formulation.

Salutation: Begin your letter “Dear Judge Broderick”

Mail the Letter To:

Jonathan Barr
BakerHostetler LLP
1050 Connecticut Avenue, N.W.
Suite 1100
Washington, DC 20036

-with a scanned copy via email if possible to-

jbarr@bakerlaw.com
jnew@bakerlaw.com
kwangsgard@bakerlaw.com

Contacting Us:

Our email addresses are above, and our telephone numbers are:

Jonathan Barr: 202-861-1534
Jonathan New: 212-589-4650
Kendall Wangsgard: 202-861-1751

Our fax number is: 202-861-1783

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THE BUFFALO NEWS

Chris Collins is pleading for leniency. His critics have other ideas



Rep. Chris Collins is mobbed by the press as he leaves U.S. District Court in Manhattan after his arraignment in August 2018. (Jefferson Siegel/Special to The News)

By Jerry Zremski (https://buffalonews.com/author/jerry_zremski/)

Published October 7, 2019 | Updated October 7, 2019

<https://buffalonews.com/special/> (https://buffalonews.com/special/)

WASHINGTON – Former Rep. Chris Collins Monday sent an email to friends and associate asking them to reach out to the judge in his insider trading case and argue for leniency.

But longtime Collins critics plan on writing to the judge, too – to press for just the opposite.

That means U.S. District Court Judge Vernon S. Broderick is likely to get radically different portrayals of the now-departed four-term lawmaker from Clarence – who recently moved to Florida – before the sentencing hearing next Jan. 17.

Collins, not surprisingly, wants people to accentuate the positive.

"It is important for us to get letters of support from those who know me best and can attest to my character and years of service and accomplishments," Collins wrote.

Asked about Collins' letter, Michelle Schoeneman – one of the co-founders of a group called Citizens Against Collins – said a grassroots effort already was underway among the group's 3,500 members to make sure Broderick hears from Collins' critics.

"There was something going around Citizens Against Collins yesterday with regards to this, with the address of the judge, asking people to write letters, saying ... how we were just as without representation then (with Collins in Congress) as we are now," said Schoeneman, whose group bought billboards criticizing Collins even before his August 2018 arrest.

Collins, who resigned from Congress and pleaded guilty to two felony charges in the insider trading case last week, noted his change of residence in an email to friends, donors and associates. A source provided the email to The Buffalo News.

"I'm now a FL resident and will be in FL for a while as the press settles down and moves on," said Collins, a Republican who previously kept his legal residence in Clarence while maintaining homes in Marco Island, Fla., and Manhattan.

In the email, Collins also provided some insight as to why he pleaded guilty after insisting for 14 months that he was innocent. He did it, he said, in part to help his son, Cameron, who also pleaded guilty in the insider trading case last week.

"I feel like I've let everyone down, but our decision to plead guilty is the right decision for Cameron and the family," Collins said.

Collins pleaded guilty to conspiracy to commit securities fraud and lying to the FBI, while his son and Stephen Zarsky – Cameron Collins' prospective father-in-law – pleaded guilty only to that conspiracy charge.

Editors' Picks

1. Ross Cellino: Cellino & Barnes will break up "in the very near

(<https://buffalonews.com/2020/cellino-cellino-barnes-will-break-up-in-the-very-near-future/>) >

(<https://buffalonews.com/2020/cellino-cellino-barnes-will-break-up-in-the-very-near-future/>)

2. Burn survivor puts agony behind her as her ex gets

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(<https://buffalonews.com/2019/in-six-deaths-clarence-pain-management-doctor-goes-on-trial/>)

They acknowledged taking part in an insider trading scheme that the then-congressman hatched in a phone call to his son from the White House lawn in June 2017.

A board member of an Australian biotech called Innate Immunotherapeutics, Collins got an email during a White House picnic from the company's CEO. The email noted that the company's only product, a multiple sclerosis drug, had failed in clinical trials.

Knowing the news would devastate Innate's stock price, Collins called his son, who started dumping his Innate shares the next day, before the company announced that its only product was essentially worthless. Cameron Collins also told Zarsky and others the inside information about Innate, and Zarsky dumped his stock, too.

The former congressman acknowledged in court last week that he knew what he was doing was illegal when he gave his son that stock tip, but he struck a much different tone in his email to his friends.

"I know I always did my best to serve the community and the nation," he said. "And I am proud of our many accomplishments in Erie County and in Congress. You were a critical part of our success and I know the congressional office will continue to provide exceptional service to our constituents in my absence. We will get through this."

For now, though, Collins acknowledged that he needed his friends' help before his sentencing. The plea agreement Collins signed with prosecutors says he will not appeal a sentence of up to 57 months in prison, but under federal sentencing rules, the judge could give Collins either more or less time.

Hoping that he will get a lesser sentence, Collins attached to the email a form letter from his lawyers with advice on how to plea for leniency.

"Make it personal," the letter from the BakerHostetler law firm said. "Consider writing about one or two anecdotal experiences or examples that highlight the defendant's positive traits, charitable work, good deeds, community service, generosity, moral character, honesty, work ethic, or dedication to family and community, etc."

Collins doesn't want such letters to just come from his closest associates, either.

"Feel free to pass this on to anyone you think could be helpful," he added in the email.

It's common for white-collar felons to seek such letters. For example, Buffalo developer Louis Ciminelli collected numerous letters of support before a federal judge last year sentenced him to 28 months in prison.

But the judge in the Collins case may get an uncommonly large number of letters from Collins' former constituents in New York's 27th Congressional District, a stretch of

5 An outbreak of a highly contagious virus among B. (https://buffalonews.com/)

CHRIS COLLINS

'I LET THEM DOWN' COLLINS SAYS OF CONSTITUENTS, FAMILY AFTER GUILTY PLEA (/2019/10/01/CHRIS- COLLINS-PLEADS- GUILTY-TO- CONSPIRING-TO- COMMIT- SECURITIES-FRAUD- FALSE- STATEMENTS/)

Those who complained about Chris Collins breathe sigh of relief (/2019/10/03/relief-satisfaction-those-who-complained-about-collins-breathe-a-sigh-of-relief/)

GOP leaders adopt 'go slow' approach to seeking Collins successor (/2019/10/02/gop-leaders-adopt-go-slow-approach-to-seeking-collins-successor/)

Blindsided by resignation, loyalists say Collins changed to shield son (/2019/10/01/blindsided-by-resignation-collins-loyalists-he-pleaded-guilty-to-shield-son/)

Business ties ultimately spell doom for Collins' congressional career (/2019/09/30/business-ties-finally-spell-doom-for-collins-congressional-career/)

It all started with an email at picnic: Timeline of insider trading case (/2019/09/30/chris-collins-insider-trading-case-timeline/)

suburbs and countryside between Buffalo and Rochester

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(<https://buffalonews.com/>)



Along with the nascent social media campaign among members of Citizens Against Collins – now called "NY-27 for Real Leadership" – local progressive blogger Alan Bedenko also tweeted out the judge's address.

Others took to Twitter to express their thoughts.

"I'm still working on my letter to the judge. But I'm not asking for leniency," said Katie Webster, a Clarence mother of three and longtime critic of Collins. "This is just another cowardly act by Chris Collins."

Schoeneman said many Collins critics will write to the judge knowing that it will only do so much good.

"He will pay his debt to society through his prison time, but he will never be able to pay for the damage he did to NY-27 through poor and absentee leadership," she said.



(https://buffalonews.com/author/jerry_zremski/) **Jerry Zremski** – Jerry Zremski is The Buffalo News' Washington bureau chief. A News staffer since 1984, he won the David Lynch Memorial Reporting Award for regional coverage of Congress in 2017.

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